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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

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Attorneys for Complainants

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, CHAIRMAN

GARY PIERCE

PAUL NEWMAN

SANDRA D. KENNEDY

BOB STUMP

Docket No. E-01750A-09-0149

IN THE MATTER OF THE FORMAL
COMPLAINT AGAINST MOHAVE
ELECTRIC COOPERATIVE INC. FILED BY
ROGER AND DARLENE CHANTEL.

COMPLAINANTS' MOTION FOR
RECONSIDERATION ON
RESPONDENT'S MOTION TO COMPEL
INSPECTION OF PREMISES

On November 25, 2009, the Commission granted, through its Procedural Order of the same date (the "Order"), Respondent Mohave Electric Cooperative, Inc.'s (the "Respondent") Motion to Compel Inspection of Premises (the "Motion to Compel"). Complainants, through undersigned counsel, hereby moves for reconsideration on the basis that the Order was issued prematurely and without consideration of Complainants' Response to Respondent's Motion to Compel, which is being filed contemporaneously with this Motion for Reconsideration.

"In all cases in which procedure is set forth neither by law, nor by these rules, nor by regulations or orders of the Commission, the Rules of Civil Procedure for the Superior Court [sic] of Arizona as established by the Supreme Court of the state of Arizona shall govern."¹

¹ ACC R14-3-101(A).

1 Undersigned counsel is unaware of any particular law or Commission rule, regulation, or order
2 that sets forth procedures for responding to Respondent's Motion to Compel. Therefore,
3 Complainants' rely on the Rules of Civil Procedure for the Superior Courts of Arizona. Rule
4 7.1(a) of the Rules of Civil Procedure give a party ten (10) days to respond to another party's
5 motion. Pursuant to Rule 6(e), a party is entitled to an additional five (5) days to respond when
6 the other party serves its motion by mail or fax. Therefore, Complainants had 15 days to
7 respond to Respondent's Motion to Compel. Pursuant to Rule 6(a), when the last day of a
8 period falls on a legal holiday, the deadline is extended to the next day that is not a Saturday,
9 Sunday, or legal holiday.

10 Respondent's Motion, according to its Proof and Certificate of Mailing, was served and
11 mailed to Complainants' counsel on November 11, 2009. Complainants' therefore had until
12 November 26, 2009, which was Thanksgiving Day, to respond to Respondent's Motion to
13 Compel. Given the long holiday weekend, Complainants' counsel considered the due date for
14 Complainants' Response to be November 30, 2009. Complainants' Response to Respondent's
15 Motion to Compel is being contemporaneously filed with this Motion for Reconsideration.

16 The Commission's Order was issued on November 25, 2009, one day before
17 Thanksgiving and four days before Complainants' Response was due. Given that the Order was
18 issued prior to Complainants' deadline for responding and without consideration of
19 Complainants' Response, Complainant hereby moves the Commission to reconsider its Order
20 and to take Complainants' Response into consideration when ruling on Respondent's Motion to
21 Compel.

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1 DATED this 30th day of November 2009.

2 DESSAULES LAW GROUP

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4
5 By: 

6 Jonathan A. Dessaulles

7 Douglas C. Wigley

8 *Attorneys for Complainants*

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